

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THEODORE J. VISNER,

Plaintiff,

Case No. 19-cv-11232
Hon. Matthew F. Leitman

v.

TROY STEWART, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR THE
APPOINTMENT OF COUNSEL (ECF No. 10) AS MOOT**

Plaintiff Theodore Visner is a state prisoner currently in the custody of the Michigan Department of Corrections. On April 20, 2019, Visner filed a *pro se* Complaint against four Bay County Jail administrators and Bay County under 42 U.S.C. § 1983. (*See* Compl., ECF No. 1.)

The Court dismissed Visner's Complaint without prejudice by written order dated January 29, 2020. (*See* Order, ECF No. 9.) The Court served the order dismissing the Complaint on Visner via ordinary mail on that same day. (*See* Dkt.)

On January 31, 2020, the Court received a motion from Visner requesting that the Court appoint him counsel in this action. (*See* Mot., ECF No. 10.) It appears that Visner mailed the motion to the Court before he received a copy of the Court's order dismissing his Complaint. Because the Court has dismissed Visner's Complaint,

this case is no longer active and there is no need to appoint counsel for Visner. Accordingly, Visner's motion for the appointment of counsel (ECF No. 10) is **DENIED AS MOOT.**

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 11, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 11, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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